IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 29195 of 2007(A)

PETITIONER:

A.C.JOSEPH @ BABU, S/O. CHACKO
KOCHAPPALLY (ANAMTHURUTHIL), C.C.NO.28,
CHILAVANNOOR, KADAVANTHARA.

BY ADV. SRI.V.L.SHENOY
SRI.L.JAYAWANTH

RESPONDENTS:
----

1. BENNY JOHN,
ANAMTHURUTH HOUSE, PONNURUNNI EAST,
KRIPALAYAM ROAD, VYTTILA P.O., KOCHI-19.

2. TESSY JOSEPH, W/O. BENNY JOHN,
KETTARPATHI HOUSE, MEENACHIL TALUK,
KURAVILANGADU VILLAGE.

3. DENNIS LOUIS,
CHARUPUNATHIL HOUSE, NEAR KOYITHARA BRIDGE,
KADAVANTHRA, KOCHI-29.

4. COMMISSIONER OF POLICE,
KOCHI CITY, IDUKKI.

5. STATION HOUSE OFFICER,
THEVARA POLICE STATION, THEVARA, KOCHI.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.29195 of 2007-A

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, seeking the following reliefs :

> *"i. to issue a writ of mandamus or any other appropriate writ or direction, inter alia directing the respondents 4 and 5 to afford effective and sufficient protection to the life and property of the petitioner in tune with Exts.P1 and P4 ;*
>
> *ii. to direct respondents 1 to 3 not to construct any structure or building in the subject matter covered by Exts.P1 and P2."*

According to the petitioner, respondents 1 to 3 are undertaking a construction in violation of Ext.P1 interim order passed by the civil court in IA No.1606/06 in OS No.646/06.The said interim order is concerning Ext.P2 schedule.The petitioner further submits that he has already moved the civil court to prosecute the above respondents for violation of the injunction order. He has also moved a commission application to ascertain the details of the construction made by

the said respondents in violation of the injunction order. But, those petitions are not being taken up. While so, the petitioner has preferred Ext.P4 representation before the Police and thereafter, this Writ Petition is filed seeking appropriate reliefs.

2. We feel that the Police cannot be authorised to enforce the interim order passed by a civil court. The Police do not owe any duty in this regard under any of the statutes now in force. The petitioner has to move the civil court itself for appropriate reliefs, for which he mas made the motion as noticed above. Accordingly, the Writ Petition is dismissed without prejudice to the contentions of the petitioner and his right to pursue his petitions pending before the civil court.

K.BALAKRISHNAN NAIR,JUDGE

03.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

sta